

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO**

DOCKET NO. 03A-283T

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IN THE MATTER OF 360NETWORKS (USA) INC. AND TOUCH AMERICA, INC.  
DEBTOR-IN-POSSESSION, FOR AUTHORITY TO EXECUTE A TRANSFER OF  
CERTAIN ASSETS, INCLUDING RELEVANT CUSTOMER BASE.

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**ORDER GRANTING APPLICATION**

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Mailed Date: August 11, 2003

Adopted Date: August 8, 2003

**I. BY THE COMMISSION**

**A. Statement**

1. On July 3, 2003, 360networks (USA) inc. (360networks), and Touch America, Inc. (Touch America), Debtor-in-Possession, filed an application to execute a transfer of certain assets, including the existing customer base, of Touch America to 360networks. 4 *Code of Colorado Regulations* 723-25-8.

2. Applicant 360networks was granted a Certificate of Public Convenience and Necessity (CPCN) to provide local exchange telecommunications services and a CPCN to provide certain emerging competitive services in the State of Colorado in Commission Decision No. C99-904.

3. Applicant 360networks has effective tariffs on file with the Commission.

4. Touch America was granted a CPCN to provide local exchange telecommunications services and a CPCN to provide certain emerging competitive services in the State of Colorado in Commission Decision No. C99-1109. Touch America was granted a

Letter of Registration to provide non-optional operator services within the State of Colorado in Commission Decision No. C00-562.

5. Touch America has effective tariffs on file with the Commission.

6. Notice of the application was posted on the Commission's web site on July 3, 2003. Interventions were due on or before August 4, 2003. None were filed.

**B. Discussion**

7. The application is unopposed and may be considered without a hearing. § 40-6-109(5), C.R.S.

8. The Commission finds that the proposed transfer of assets is not contrary to the public interest.

**II. ORDER**

**A. The Commission Orders That:**

1. The application by 360networks (USA) inc., and Touch America, Inc., Debtor-in-Possession is deemed complete.

2. The application to approve the transfer of certain assets and the existing customer base comprising the private line and dedicated Internet businesses of Touch America, Inc., Debtor-in-Possession to 360networks (USA) inc., is granted.

3. The obligation of Touch America, Inc., Debtor-in-Possession to file an annual report with the Commission and contribute to all applicable Colorado funds for the period prior to the effective date of this Order remains. These funds include the Public Utilities Commission's Fixed Utilities Fund, the Colorado High Cost Administration Fund, the

Telecommunications Relay Services for the Disabled Telephone Users Program, and the Emergency Telephone Access Act Program.

4. This Order is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING  
August 8, 2003.**

(S E A L)



ATTEST: A TRUE COPY

**Bruce N. Smith**  
Director

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

**GREGORY E. SOPKIN**

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**POLLY PAGE**

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**JIM DYER**

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Commissioners